SINGLE BENCH

(1)

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 5527 **/2005**

PETITIONER Laxmi Bai Yadav, aged about 30 years, W/o. Late Shri Baldau Yadav, Village and Post- Kanki, Tehsil Tilda, Raipur District- Raipur (C.G.).

P.R. No. 5621/05
Presented by Shri A.P. Sharma
dated 27/10/05

VERSUS

RESPONDENTS

1. State of Chhattitsgarh, Through Secretary, Water Resources Department, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)

2. Sub Divisional Officer, Sub Division No. 5 Kanki, Water Managerment No. 5 Kanki Division, Baloda Bazar, District- Raipur (C.G.)

WRIT PETITIONER UNDER ARTICLE 226 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

To,

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(२५)

आदेश पत्रक

W-P-NO.5527/05

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2-12-2005 Shri Sunil Otwani, counsel for the petitioner. Shri Vivek Sharma, Panel Lawyer, for the State. Application I.A. No. 9444/2005 is allowed. Heard. The petitioner has filed this petition under Article 226/227 of the Constitution of India praying for a direction to give compassionate appointment. The petitioner's husband namely Baldau Yadav was working on the post of Chaukidar under respondent no. 2. He died on 20-7-2005 during his service. Death Certificate is Annexure P-1. On account of death of her husband, the petitioner applied on 17-8-2005 for compassionate appointment before the respondent no. 2 as per annexure P-2. Counsel submits that dependants of other persons, who died during service, have been given compassionate appointments as per Annexure P-4 in the Water Resources Department and as per Annexure P-5 in the Public Works Department, but the petitioner has not been given employment. The relief claimed is for a direction to the respondents to give compassionate appointment to the petitioner. Learned Government Advocate submits that the matter will be examined as early as possible and if she is entitled for compassionate appointment, she will be given. This Court in the case of Smt. Bhunbai Sahu –v- Smt. Hamida Siddiqui reported in 2002(1) C.G.L.J. 257 this Court has highlighted the problems regarding compassionate appointment and directions have	

[पीछे देखिये

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 55 27/05

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

been issued. It was held that the compassionate is a benevolent provision and has been made with the object that after the death of the government employee, his dependents should not be rendered destitute. It was further directed that the petitioner should not be harassed.

There should not be any delay in such cases as the delay defeats justice. No useful purpose would be served in keeping such applications for compassionate appointments pending. They should be decided as early as possible.

Having considered the facts and circumstances of the case and material on record, it is directed that the case of the petitioner be decided as early as possible preferably within a period of one month from the date of production/receipt of a copy of this order. If she is entitled for compassionate appointment, she should be given the appointment and in case she is not entitled, then the order should specify the reasons and copy be supplied to her free of cost at her address.

The petition is accordingly disposed of at this stage with liberty to file afresh in case grievance still remains.

Certified copy as per rules.

Copy to State Counsel for compliance.

Sd/-
Fakhruddin
Judge

pathak

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